

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., et al.,¹

Debtors.

ALAMEDA RESEARCH LTD. and CLIFTON
BAY INVESTMENTS LLC f/k/a ALAMEDA
RESEARCH VENTURES LLC,

Plaintiffs.

v.

MICHAEL KIVES, BRYAN BAUM, K5
GLOBAL HOLDINGS LLC, K5 GLOBAL
TECHNOLOGY LLC, MBK CAPITAL LP
SERIES T, K5 GROWTH CO-INVEST I GP
LLC, K5 GLOBAL GROWTH FUND I GP LLC,
K5 GLOBAL VENTURES LLC, MOUNT
OLYMPUS CAPITAL LP, MOUNT OLYMPUS
CAPITAL LLC, K5 GLOBAL GROWTH FUND
II LP, K5 GLOBAL GROWTH FUND II GP
LLC, K5X FUND I LP, K5X FUND I LLC, and
SGN ALBANY LLC,

Defendants.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

Adv. Pro. No. 23-50411 (JTD)

¹ The last four digits of FTX Trading Ltd.'s tax identification number are 3288. Due to the large number of debtor entities in these Chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

**STIPULATED PROPOSED CASE MANAGEMENT PLAN AND
SCHEDULING ORDER**

1. This Case Management Plan and Scheduling Order (“Case Management Plan”) shall apply in the above-captioned adversary proceeding.
 - a. The term “Complaint” as used herein shall mean the complaint filed in the above-captioned adversary proceeding on June 22, 2023.
 - b. The K5 Defendants (defined below) have stipulated to service. (*See* Stipulation and Order for Extension of Time for K5 Defendants to Answer, Move, or Otherwise Respond to the Complaint dated July 17, 2023 (ECF No. 4) (“Stipulation”).)
 - c. The term “K5 Defendants” as used herein shall mean Defendants other than Defendant SGN Albany Capital LLC, which is not a party to the Stipulation.
2. As set forth in the Stipulation, the K5 Defendants’ deadline to answer, move or otherwise respond to the Complaint is September 11, 2023. (*See* ECF No. 4 at 2.) If any K5 Defendant elects to file a motion to dismiss, Plaintiffs shall file their opposition by November 10, 2023, and the K5 Defendants shall file their reply by December 11, 2023, in accordance with the briefing schedule in the Stipulation. (*Id.*)
3. Without waiving the K5 Defendants’ right to seek a stay, the following discovery and pretrial schedule shall apply absent further agreement of the parties or order of the Court.
 - a. **Initial Disclosures.** Each party shall serve its initial disclosures required by Rule 26(a)(1) (BR 7026) no later than October 20, 2023.
 - b. **Fact Discovery.**
 - i. The parties may serve document requests pursuant to Rule 34 (BR 7034), interrogatories pursuant to Rule 33 (BR 7033), requests for admissions pursuant to Rule 36 (BR 7036) and other requests for written discovery on or after October 20, 2023.
 - ii. The parties may serve subpoenas for documents on non-parties pursuant to Rule 45 (BR 9016) on or after October 20, 2023.
 - iii. The parties shall substantially complete their production of documents in response to document requests served on or before December 31, 2023, by April 1, 2024 (it being understood that parties will produce responsive materials on a rolling basis in advance of such date).
 - iv. The parties shall provide logs of documents withheld or redacted on privilege grounds by April 19, 2024.

- v. Deposition notices shall be served no less than 14 days prior to the deposition date. Plaintiffs and Defendants shall each be entitled to take a total of 20 depositions of fact witnesses.
 - vi. Fact discovery shall be completed by August 2, 2024.
- c. **Expert Discovery.**
- i. Plaintiffs' initial expert reports shall be served by August 16, 2024.
 - ii. Defendants' expert reports—including rebuttal reports in response to Plaintiffs' initial expert reports and expert reports on a subject not addressed in Plaintiffs' initial expert reports—shall be served by September 20, 2024.
 - iii. In the event that Defendants' experts reports address a subject not addressed in Plaintiffs' initial expert reports, Plaintiffs may serve a rebuttal expert report in response thereto by October 18, 2024.
 - iv. In the event that Plaintiffs serve rebuttal expert reports, Defendants reserve the right to seek permission from the Court to serve surrebuttal reports.
 - v. All expert reports must satisfy the requirements of Federal Rule of Civil Procedure 26 (BR 7026).
 - vi. Expert depositions shall be completed by December 20, 2024.
- d. **Summary Judgment Motions.**
- i. Motions for summary judgment shall be due February 28, 2025.
 - ii. Oppositions to motions for summary judgment shall be due April 25, 2025.
 - iii. Replies in support of summary judgment shall be due May 23, 2025.
4. **Mediation.** Plaintiffs and the Defendants shall confer regarding appointment of a mediator and procedures for mediation on or before January 12, 2024, and shall file a stipulation regarding the appointment of mediator. If the parties fail to file such a stipulation by this date, the parties shall request a status conference with the Court to resolve the dispute regarding the appointment of a mediator. Unless otherwise agreed by the parties, the mediation shall be governed by Local Rule 9019-5. Local Rule 9019-5(j) shall not apply to the mediation in this matter.
5. **Jurisdiction.** Nothing in this Case Management Plan and Scheduling Order shall be deemed a waiver of any Defendant's rights under Local Rule 9013-1(h) or other jurisdictional objections.
6. **Modification.** The parties may modify any provision hereof on written agreement or, absent such agreement, by seeking an order of the Court upon good cause shown.

Dated: August 30, 2023

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 31st, 2023
Wilmington, Delaware



JOHN T. DORSEY
UNITED STATES BANKRUPTCY JUDGE